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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IMPINJ, INC., a Delaware corporation,
Plaintiff,
v.
NXP USA, INC., a Delaware corporation,
Defendant.

Case No. 4:19-cv-03161-YGR

**[JOINT PROPOSED] LIMITING
INSTRUCTION**

Judge: Honorable Yvonne Gonzalez Rogers

Trial Date: March 18, 2024

1 Pursuant to the Court's Pretrial Order No. 2A Re: Damages and Motions In Limine For
2 Second Trial (Dkt. 509), Plaintiff Impinj, Inc. ("Impinj") and Defendant NXP USA, Inc. ("NXP")
3 hereby submit the following proposals for a limiting instruction as to the Court's finding of in-
4 fringement. Consistent with the Court's Standing Order, where the parties agree on language in a
5 particular proposed instruction, the language appears in black text. Where Impinj proposes par-
6 ticular language to which NXP objects, Impinj's proposal appears in red text. Where NXP pro-
7 poses particular language to which Impinj objects, NXP's proposal appears in green text.

8 The sole issue you are being asked to decide in this trial is whether NXP has proven, **by**
9 **clear and convincing evidence**, that the '302 patent is invalid as obvious. You are not being asked
10 to decide whether NXP infringes the '302 patent. **I have already decided that certain NXP prod-**
11 **ucts infringe the asserted claims at issue of the '302 patent.**

12 During the course of the trial, you heard testimony that NXP sells **products that [practice]**
13 **[embody]** the invention claimed in the '302 patent as construed by the court. **I have decided that**
14 **certain NXP products at issue embody the invention claimed in the '302 patent.** You are only to
15 consider this testimony with respect to what I have referred to as secondary considerations of
16 non-obviousness.

1 Dated: February 1, 2024

2 By: /s/ Daniel T. Keese

3 Daniel T. Keese

By: /s/ Lisa L. Furby

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19 Attorneys for Defendant NXP USA, INC.

20 Pursuant to Local Rule 5-1, the below filer attests that concurrence in the filing of this
21 document has been obtained from the above Signatories.

22 /s/ Lisa L. Furby
23 Lisa L. Furby